

RAJASTHAN HIGH COURT

सत्यमेव जयते

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**

S.B. Criminal Miscellaneous Bail Application No. 7722/2026
CNR: RJHC010572982026 | URN: CRLMB / 16960U / 2026

Shivlal @ Shiva S/o Laxman Lal, Aged About 32 Years, R/o Narayanpura Bhinder District Udaipur (At Present Lodged In Central Jail Udaipur)

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Shanti Lal Bheel S/o Teja Ram Bheel, R/o Narayanpura Police Station Bhinder District Udaipur

-----Respondents

For Petitioner(s) : Mr. Ram Singh Rawal

For Respondent(s) : Mr. Urja Ram Kalbi, PP

HON'BLE MR. JUSTICE SUNIL BENIWAL

Order

24/07/2026

1. This application for bail has been filed by the petitioner under Section 483 of BNSS (old Section 439 of Cr.P.C.). The requisite details of the matter are tabulated herein below:

S.No.	Particulars of the Case	
1.	FIR Number	162/2025
2.	Date of lodging FIR	24.10.2025
3.	Concerned Police Station	Bhinder
4.	District	Udaipur
5.	Offences alleged in the FIR	Sections 137(2) of BNS.
6.	Offences added, if any	Sections 64(1) and 65(1) of BNS and Sections 3 and 4 of POCSO Act.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case and false allegations have been levelled against him. As a matter of fact, the relation

between the petitioner and the victim was consensual and that they travelled together through public transport, however, no protest was raised by the victim which indicates that the relation was consensual between them.

2.1 While referring to the medical report, learned counsel submits that even during the medical examination of the victim, she stated that there was consensual relationship between them. Though the victim (PW-3) has alleged sexual assault in her statement recorded under Section 183 BNSS so also before the trial court, yet considering the initial version made under Section 180 BNSS, wherein she stated that no sexual assault has been committed by the petitioner and considering the contradictory version, the petitioner is entitled to be enlarged on bail. The petitioner is in judicial custody since 29.10.2025 and the trial will take sufficiently long time, therefore, he deserves to be enlarged on bail.

3. Learned Public Prosecutor vehemently opposes this bail application and submits that at the time of incident, the petitioner is aged about 32 years and the victim is aged about 16 years and considering her statement made under Section 183 BNSS so also the statement made before the court, the petitioner is not entitled to be enlarged on bail.

4. Heard learned counsel for the parties and perused the material available on record.

5. Having considered the rival submissions, facts and circumstances of this case and after perusing the challan papers so also considering the statement of the victim recorded under

Section 183 BNSS so also the statement recorded before the court, wherein she has categorically levelled offence of sexual assault against the present petitioner, prima facie, involvement of the present petitioner in the crime in question, cannot be ruled out, this Court is not inclined to enlarge petitioner on bail at this stage.

6. Accordingly, the bail application filed under Section 483 of BNSS is dismissed.

(SUNIL BENIWAL),J